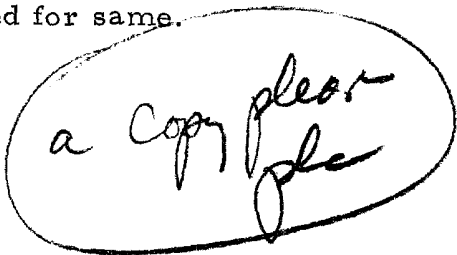


UNCLASSIFIED		CONFIDENTIAL		SECRET	
OFFICIAL ROUTING SLIP					
TO	NAME AND ADDRESS	DATE	INITIALS		
1	Legislative Counsel	SMM			
2			<i>[Signature]</i>		
3			<i>[Signature]</i>		
4			<i>[Signature]</i>		
5			<i>[Signature]</i>		
6			<i>[Signature]</i>		
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
Remarks: Please destroy OGC 73-1222 dtd 3 July 73; Memo for CIA Management Committee; Same Subject as enclosed and substitute attached for same.					
					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
OGC 7 D 01 Hqs 				7/30/73	

STAT
OGC Has Reviewed

30 July 1973

MEMORANDUM FOR: Mr. W. E. Colby

SUBJECT : H.R. 8152 - Amendment to Title I of the
Omnibus Crime Control and Safe
Streets Act of 1968

1. The subject bill is a basic restatement of the authorities of the Law Enforcement Assistance Administration. On the floor of the House on 18 June 1973, Miss Holtzman offered an amendment which the House then accepted. The amendment is the underlined portion of section 508 quoted below:

The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, not including the Central Intelligence Agency, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration.

2. The Senate, on 28 June 1973, was considering a Senate version of the subject bill. Senator Kennedy offered a similar amendment which was adopted. The House and Senate versions are now in conference but with similar amendments. Undoubtedly, section 508 will be approved as amended.


3. The effect of the amendment is to deny the Law Enforcement Assistance Administration the authority to use the services, equipment, personnel and facilities of the Central Intelligence Agency. It would also appear to deny the Law Enforcement Assistance Administration the authority to cooperate with the Central Intelligence Agency in the establishment and use of services, equipment, personnel and facilities of the Law Enforcement Assistance Administration.

4. In the past the Agency has been of assistance to the Law Enforcement Assistance Administration in a number of differing ways, including making available to them the metal traces technique and the explosives detection techniques. In the future all requests from the Law Enforcement Assistance Administration will necessarily have to be examined closely in view of the Holtzman/Kennedy amendments. If there are devices or techniques which the Agency develops in the future which would appear to be of interest to the Law Enforcement Assistance Administration, it would seem possible that the Agency could either offer such equipment or knowledge to the Department of Justice or the Federal Bureau of Investigation.

5. Beyond the strict legal effect of these amendments when they become law is the practical aspect that they are a manifestation of a growing opinion among members of Congress that the Agency should not be assisting any law-enforcement agencies be they Federal, State or Municipal. These sentiments are further evidenced by the Proxmire bill, S. 1935, the companion House bill (Harrington, H.R. 8592), the Koch bill, H.R. 8432, and others. Thus, it would seem that the Agency should be most careful in its relations with all law-enforcement agencies. Such a policy would be consistent with your testimony in the confirmation hearings before Senate Armed Services Committee on 2 July 1973. It is also consistent with the former Director's views in responding to the Chairman of the Committee on Government Operations on 1 March 1973. He stated in that letter (which was inserted in the Congressional Record) a review was being undertaken and that such activities in the future would be undertaken only in the most compelling circumstances and with the Director's personal approval.

6. Any assistance that we render in the future should be in accord with law or specifically authorized by law such as assistance to the Secret Service in fulfillment of their responsibilities for the protection of the President and other designated officials. Under that law, which was approved in 1968, a requirement was placed on all Federal agencies to assist the Secret Service in the performance of its protective responsibilities when so requested by its director. We should avoid actions with all law-enforcement agencies which can be misconstrued as involving the Agency in prohibited law-enforcement or internal security functions. I would think the planned case-by-case review is the best method of determining the propriety of each situation.

STATINTL


JOHN S. WARNER
Acting General Counsel

cc: ✓ Legislative Counsel
Director of Security